



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/393,962 09/10/99 NELSON

L 103589

EXAMINER

MMC2/1122

OLIFF & BERRIDGE PLC
P.O. BOX 19928
ALEXANDRIA VA 22320

TAYLOR, J.
ART UNIT

PAPER NUMBER

2876

DATE MAILED:

11/22/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/393,962

Applicant(s)

NELSON ET AL.

Examiner

Larry D Taylor

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2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. ____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: .

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 17 recites the limitation "the at least one presentation element" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin (US 4,994,987 cited by applicant), in view of Laszlo (US 5,331,547 cited by applicant).

Baldwin teaches a system and method for controlling a presentation, the system comprising: a reader 20 containing a sensor 26 that identifies an identifier 18 and a controller switch 30; a computer device 32 that uses memory for producing a visual display; and a display 36 (see figures 1, 2, and 3). Re claims 6, 8, 12, and 13, the identifier would be present on a tangible medium, which could take the form of a card with a printed bar code or other optically

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or magnetically encoded indicia. The medium could also present the identifier as capacitive or inductive form of indicia. The sensor 26 would be of any reflective form needed to read these types of encoded information (see figures 1 and 2; col. 1, lines 17-67). Re claims 7 and 14, the display may be a projection TV, CRT, or overhead projector.

Baldwin fails to teach the identifier as specifically having a presentation element and a control element, the controller selecting a presentation element and affecting the presentation element according to the control identifier.

Laszlo teaches a system that reads a bar code from a document, the bar code containing object identifiers. If the identifier is read as a document presentation element, data-bearing objects are retrieved and possibly outputted to a display screen. If the identifier is read as a control element, graphical user interfaces are manipulated, permitting such data-bearing objects to be acted upon, such as opening and closing information on software or screen or moving information across a screen or file (see col. 3, line 57 – col. 4, line 60).

It would have been obvious to one of ordinary skill in the art to employ the specifications of Laszlo with the system and method of Baldwin. Providing an automated method of accessing documented information and controlled display of such information gives the user much convenience in presenting data to an audience. It would help prevent the user from performing erroneous feats, such as placing the wrong data slide within an overhead projector or losing your place while giving a presentation, these things providing embarrassment and disrupting the flow of presenting.

6. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin as modified by ^{Laszlo} ~~Baldwin~~ (as cited above), and further in view of Baldwin (5,001,696 cited by applicant). The teachings of Baldwin (Patent '987) as modified by Laszlo have been discussed above.

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However not specified is the actual system of generating the tangible, physical objects containing the identifiers.

Baldwin (Patent '696) provides such a system 40 for producing physical cards and labels for controlling a presentation, the system comprising a generator 44 and memory device 46. The generator produces the card or label to contain an identifier on the card or label, taking the form of electronic, optical, or magnetic indicia.

It would have been obvious to one of ordinary skill in the art to employ the system of Baldwin ('696), as such a system would provide a means for automatically accessing documented information and controlling display of such information, thereby giving the user much convenience in presenting data to an audience. The tangible card/labels used in the system of Baldwin ('987) as modified by Laszlo would help prevent the user from performing erroneous feats, such as placing the wrong data slide within an overhead projector or losing your place while giving a presentation, these things providing embarrassment and disrupting the flow of presenting.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Garnier (US 5,978,777) and Yanagawa et al. (JP 411052901A) teach systems that read indicia pertaining to products and presents audio and/or video displays as a result.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D Taylor whose telephone number is (703) 306-5867. The examiner can normally be reached on M-F (8:30 - 5:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Larry D Taylor
November 18, 2000



KARL D. FRECH
PRIMARY EXAMINER